

Minutes of a Regular Meeting

Approved 5/12/05

Town of Los Altos Hills PLANNING COMMISSION

Thursday, April 14, 2005, 7:00 p.m.

Bullis School Multi-Purpose Room, 25890 Fremont Road

cc: Cassettes (1) #5-05

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Bullis School Multi-Purpose Room.

Present: Chairman Kerns, Commissioners Collins, Carey, Cottrell & Clow

Staff: Carl Cahill, Planning Director; Debbie Pedro, Senior Planner; Leslie Hopper, Project Planner; Brian Froelich, Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF ESHGHI & DOROODIAN, 13530 Fremont Road (168-04-ZP-SD-CDP-VAR); A request for a Site Development Permit and a Conditional Development Permit for a 4,323 square-foot new residence (maximum height 27 feet), and a Variance to allow the required parking area to encroach in the rear yard setback (staff-Leslie Hopper) (continued from January 27, 2005).

Commissioner Carey stepped down from the hearing due to the proximity of his residence to the project site.

Staff introduced this item by reviewing the staff report and the changes that the applicants have made to their plans in response to the January 27th Planning Commission direction. They have eliminated the pool in order to comply with the setbacks. Staff felt the current variance request to allow the required parking area to encroach in the rear yard setback along with the landings for the doors was justified. Staff is recommending approval of the Site Development Permit, the Conditional Development Permit and the requested variance.

OPENED PUBLIC HEARING

Mr. Eshghi, applicant, felt the new design fits Los Altos Hills. He addressed the previous concerns of the neighbors stating they have met with 17 neighbors who now support the revised plans.

Bart Carey, Deerfield neighbor, voiced support of the project.

CLOSED PUBLIC HEARING

Commissioner Collins appreciated the applicants following the Commission's recommendations and voiced support of the project. Commissioner Cottrell noted the efforts the applicants have gone through to bring back the project for review and approval. He also voiced support of the project. Commissioner Clow disclosed that he had spoken with the applicants on the phone and via e-mail. He felt the Lands of Unlu set a precedence for a variance for the two parking spaces within the setback on a constrained lot (consistent with previous approval). He felt they had done a very good job with the re-design. Chairman Kerns concurred with previous remarks.

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Collins, seconded by Commissioner Clow and passed by consensus to approve a Site Development Permit and a Conditional Development Permit for a 4,323 square-foot new residence, and a variance to allow the required parking area to encroach in the rear yard setback, Lands of Eshghi & Doroodian, with the recommended conditions of approval.

This approval is subject to a 23 day appeal period.

- 3.2 LANDS OF BREETWOR, 12631 Miraloma Way (226-04-ZP-SD); A request for a Site Development Permit for a 946 square foot detached secondary dwelling unit (maximum height 14'6") and modification of condition of map approval limiting floor area (staff-Debbie Pedro).

Staff introduced this item by reviewing the application and the history of the original two lot subdivision. One of the conditions for the Tentative Map approval was to limit the MFA of the property to 4,750 square feet. It appeared, by reviewing previous reports and minutes, that the floor area restriction was imposed because of neighborhood concerns regarding potential visual impact of the new residence. The applicant is requesting approval of a Site Development Permit for a secondary dwelling unit. Because of the MFA limitation on the property, the applicant is also requesting a modification of condition of map approval to increase the MFA from 4,952 square feet to 5,897 square feet. A letter of support was received from the 24600 Summerhill Avenue neighbors requesting three additional conditions: (1) wall height of the second unit does not exceed 8'6"; (2) add a trellis or arbor on the exterior of the dinning room wall that faces the property at 24600 Summerhill Avenue; and (3) add screening in the form of trees, shrubs, etc. along the property line between 24600 Summerhill Avenue and the new structure.

OPENED PUBLIC HEARING

Daryl Harris, project architect, briefly reviewed the project indicating agreement with the suggested additional conditions as specified by the Summerhill Avenue neighbors. It was noted that there is five (5) parking spaces available on the site.

CLOSED PUBLIC HEARING

Commissioner Carey had reviewed the site and met with the owner of the property. He felt the new development would not be obtrusive to the neighbors. He supported the project with the additional three conditions. Commissioner Clow discussed the reason for the original condition on floor area. He felt the new construction was nestled toward the back and would not be visible from Summerhill Avenue, voicing support of the project. Commissioner Cottrell agreed with the previous comments noting that the Town encourages secondary dwellings. Commissioner Collins also concurred with the other Commissioners. She had visited the site and felt it was very well screened and the development of the site does not make it massive. Also, secondary units are encouraged. Chairman Kerns also concurred and supported the project.

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Cottrell, seconded by Commissioner Clow and passed by consensus to recommend to the City Council approval for a Site Development Permit for a 946 square foot detached secondary dwelling unit (maximum height 14'6") and modification of condition of map approval limiting floor area, Lands of Breetwor, 12631 Miraloma Way, with the recommended conditions of approval adding the following additions: (1) wall height of the second unit does not exceed 8'6"; (2) add a trellis or arbor on the exterior of the dinning room wall that faces the property at 24600 Summerhill Avenue; and (3) add screening in the form of trees, shrubs, etc. along the property line between 24600 Summerhill Avenue and the new structure.

This item will be scheduled for a City Council agenda.

- 3.3 LANDS OF PHAN, 26271 Moody Road (240-03-ZP-SD-GD); A request for a Site Development Permit for a 4,511 square foot two story new residence (maximum height 25'3" feet) with a 792 square foot detached garage and a 1,418 square foot basement (staff-Debbie Pedro).

Staff introduced this item stating that the applicant is proposing a new two-story residence with a basement and a detached garage on the property. The unusual feature of the property is that the lower portion of the property is separated from the rest of the parcel by Moody Road. She discussed the two open space easements on the property. For clarification, she presented an aerial photo of the site showing the existing vegetation on the site. The applicant is proposing to remove the barn and the driveway to construct a new driveway coming off of Moody Road that leads to a detached three car garage. Although the project complies with the Zoning Ordinance in terms of setbacks, heights and MDA/MFA, they are requesting an exception to the grading policy for 6 to 10 feet of cut behind the house in order to create an 11 foot wide lawn area. The additional grading will provide a private outdoor living area behind the house that is generally not visible from off site and the retaining walls will be terraced with a maximum height of 4 feet.

OPENED PUBLIC HEARING

Mr. Sulic, Mason-Sulic Engineering, project engineer, felt the staff report was very complete requesting approval of the Site plan including the grading. He questioned condition #21, stating they were not sure where the pathway will occur. Discussion ensued noting they were discussing the small path which will connect to all the pathways on Moody Road. Mr. Sulic just wanted to make the request clear in the conditions of approval.

Staff indicated that there already is an existing path in the smaller portion of this area which was a requirement of the subdivision. The Pathway Committee actually had three requirements: to dedicate a 10 foot easement along the south side of the property (inside the road easement) and to construct a path on the smaller portion which is already done, and also a dedication of an easement along Chaparral Way which they did not include because the property owner has no rights over that right-of-way. It was felt that staff needed to clarify with the Pathway Committee what exactly they are asking for. The Commission felt they should modify condition #21. The Planning Director suggested wording to the effect that the easement shall not extend beyond that 30 foot half width or 60 foot right-of-way.

Mr. Sulic suggested that the Commission just change the wording adding "if necessary" but not on the other side of the proposed house because there is already a public right-of-way.

Luis Yanez, 26879 Moody Road, soon to be the next door neighbor of this project stated he had been out of town for the last three weeks so he did not have an opportunity to review this project. He questioned this peculiar subdivision with a portion of this property on the other side of the road. He believed the story poles had been altered by bad weather and were inaccurate. He was concerned with how the house sits on Moody Road.

Mr. Sulic stated that he appreciated the concerns noted by the next door neighbor. The closest point from his house to Mr. Yanez' property line is approximately 87 feet with an existing cluster of oak trees. If Mr. Yanez is concerned with his privacy, they would be willing to plant some more trees to insure his privacy.

CLOSED PUBLIC HEARING

Commissioner Cottrell stated that the plan meets all requirements and is isolated except for the one neighbor and any concerns can be easily mitigated with landscaping. He had no issue with the proposed grading for a back yard and they are using two (2) four foot retaining walls rather than one tall wall. He felt this was a well done plan.

Commissioner Clow agreed. He felt when Mr. Yanez reviews the plans, he would be happy with the project.

Commissioner Carey stated that in general he supports the project as designed. However, he had a concern as this was not a well designed subdivision. The quarter acre which is down the street and across the road does not help to mitigate the impact of this house. He felt the house is bigger than it should be. But now they have a legal lot that is in a strange configuration. They do meet all of the requirements if you include that quarter acre. Also, it is unfortunate that they are presented with okaying a grading variance when there is already a graded area on the property

(barn area) which has not been chosen for development. Now they want to do more grading. The outdoor living area is not excessive and he did not feel they had the power to dictate where on the site the house should be located. Based on all of these issues he would support the project as planned with the concerns that he expressed which are more of a historical nature as opposed to an active concern regarding the house.

Commissioner Collins questioned the flat spot where the barn is asking why they did not place the garage there rather than asking for additional cut. Mr. Sulic responded by noting, when looking at the topography, the deepest part of the terrain is right behind the barn going up hill and also the steepest part in front of the barn going toward Moody Road. There were numerous people who walked the site reviewing house placement. They felt this was the only area where the slope is less steep (behind and in front of the barn). Further discussion ensued. Commissioner Collins agreed with Commissioner Carey regarding how the subdivision was divided with two separate lots and using all of the acreage to calculate the MDA/MFA is a very unusual way to calculate the numbers. She would hope they would not approve other subdivisions in this manner. She referred to the Sherlock Road project where the road runs in the middle of the lot.

Discussion ensued regarding the original approval of the subdivision and the rational used by the owner at that time.

Mr. Sulic provided a history of the original subdivision dating back 80 to 100 years ago.

RE-OPENED PUBLIC HEARING

Luis Yanez, Moody Road, noted that the subdivision came in within the last few years so the owners knew that Moody Road would be getting wider. When he was a Planning Commissioner he never approved a subdivision that did not have 100% contiguous land surrounding the proposed building site. However, the owners bought a legal lot. He cannot hold them accountable for what the Commissioners and Council approved. He felt the house will sit well above Moody Road and have a tremendous impact on the road. The only way he could support this is to have sophisticated landscaping placed on both the rear and front of the property. He suggested extensive landscape mitigation measures be imposed on this project and perhaps with significant sized trees.

Mr. Sulic indicated that they would be happy to do landscaping between the two properties. He reviewed the existing landscaping at the front property area with the help of the aerial photo noting a cluster of approximately 60 oak trees in that area. So maybe they can plant only one more oak tree in this area between the area of the two 24" oaks.

CLOSED PUBLIC HEARING

Chairman Kerns voiced support of the project. He felt they have done a good job cutting the garage into the site as the barn area would have been more visible. He also supported the retaining walls in the back. He would recommend deleting condition #21, with respect to the pathway easement as he did not see the need as they already have the road right-of-way.

Discussion ensued regarding condition #21. The Planner suggested checking with the Pathway Committee prior to deleting the condition. Commissioner Clow suggested wording that the easement be granted on the south side of Moody Road which is more reasonable. Commissioner Carey felt condition #21 does not require any additional easements to be granted beyond what is already there specified on-road pathway easements which is logical and no reason to delete it. Chairman Kerns noted that the condition is not clear. The Planning Director would like to check with the Pathway Committee for clarification before removing the condition. Planner Pedro read the Pathway Committee recommendation as shown in Attachment 4. It was agreed that the wording for #21 shall be "no easement granted on the north side beyond the road right-of-way".

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Carey, seconded by Commissioner Clow and passed by consensus to approve a request for a Site Development Permit for a 4,511 square foot two story new residence with a 792 square foot detached garage and a 1,418 square foot basement, Lands of Phan, 26271 Moody Road, with the following additions/changes to the recommended conditions of approval: #21, add that no additional pathway easement shall be requested on the north side of Moody Road beyond the road right-of-way.

This approval is subject to a 23 day appeal period.

3.4 AMENDMENT TO THE GENERAL PLAN LAND USE DIAGRAM
DESIGNATION OF THE BULLIS/PURISSIMA ELEMENTARY SCHOOL
SITE FROM ELEMENTARY SCHOOL TO PUBLIC ELEMENTARY
SCHOOL; APN: 175-23-013 CEQA STATUS: EXEMPT PER SECTION 15378
(staff-Brian Froelich).

Staff introduced this item by provided the background of the amendment request. He also referred to the General Plan regarding "Institutions" and more specifically "Schools". The most important point with this item is that the proposed amendment does not expand or narrow the allowable uses of the property and that point is reflected in the minutes of the City Council November 4, 2004 meeting. Under the current General Plan designation, if the School District wanted to lease the site for private school use they would in fact need to apply for a General Plan amendment to have the site re-designated for private school use. He referred to paragraph 139 entitled "Private Schools" which designates two sites in Town for private school use and Bullis School is not one of them.

Discussion ensued regarding a meeting last year regarding the definition of "Private" and "Public" schools and at that time they expanded the definition to include "Elementary Schools". Chairman Kerns asked why they even have a elementary school definition. The Planner Director indicated that they do expect to have a elementary school within the Town boundaries. It was

noted that a letter from Marilyn Cleveland, attorney representing the Los Altos School District was received requesting that the Town of Los Altos Hills Planning Commission reject the proposed amendment and consider the recommendations stated in her letter. Chairman Kerns questioned whether this is the right time to make changes. The Planning Director indicated that the City Attorney had reviewed the staff report and the Commission will only be making a recommendation to the City Council. The request tonight is only a clarification to the Land Use Diagram.

OPENED PUBLIC HEARING

Marilyn Cleveland, attorney representing the Los Altos School District stated that the School District at this point has decided that the best use is to put a program of their own on the site. They definitely want to hold the property until such time enrollment increases and there is a need for it again as a public school. They are asking to leave things as is for maximum flexibility of the site. They do not see a need for any change at this time. She felt using "Elementary use" was an adequate description even though it is currently owned by the Los Altos School District and has been used as a public elementary school site, the School District is asking is that there be maximum flexibility for the District to use the property as it uses all its properties in order to maximize the educational benefit for all of the children of the District.

Further discussion ensued. The Planning Director indicated that if the School District wants to lease the property out for private school use, they will need to re-designate this property as "private school". The General Plan clearly distinguishes between private and public schools and the word "Public" only is a benefit to them so they do not make any erroneous interpretation.

Marilyn Cleveland noted that someone had stated that the school was currently being used as a private school has also retained the designation of public school so if it were to become a public school again, it could be used in that way. In other words, in a situation where a public school has been closed the School District apparently requested and the Town has honored that request of allowing the flexibility that it could be under the current General Plan used as either a private school or a public school. This is exactly what they are requesting. By leaving the designation as "Elementary" school, it would be available for use as either a public elementary school, or were it necessary to do so, as a private elementary school.

Sonja Jensen, Campo Vista Lane, felt it seemed confusing to her as to whether this site is a public elementary school or if the School District can make it a private elementary school. For clarity, she requested using the designation "public" school.

CLOSED PUBLIC HEARING

Commissioner Clow indicated Council supports this change as they made the recommendation. He felt it was important that they have clarity between what is in the text of the General Plan clearly indicating the intent this to be a public site. It also makes the designation consistent with the long term use of the site as a public school site and the intention of the School District to make it a public school site in the future which is a stated intention although there is a possibility they may try to do something else. He did not feel they were reducing the District's flexibility

because they would be able to file another General Plan amendment to change the use of the site if in the future they wanted to change to a private school. He indicated support of this recommendation.

Commissioner Carey agreed. This is simply a reinforcement to the General Plan and is appropriate.

Commissioner Collins also agreed with previous comments and would forward a recommendation of approval to the Council.

Commissioner Cottrell concurred with the previous comments although he was disturbed by the timing although he was in favor of clarity.

Chairman Kerns was also disturbed by the timing as they were making a change in the midst of a law suit and much debate about public education in Los Altos Hills. He felt they needed a better way to work with the Los Altos School District and this is not helping the situation. He would prefer to leave the wording as is until the law suit is settled and at that point decide, once they make peace with the District, what makes sense to do.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Carey to recommend to the City Council approval of the Amendment to the General Plan Land Use Diagram Designation of the Bullis/Purissima Elementary School site from Elementary School to Public Elementary School; APN: 175-23-013 CEQA status: exempt per Section 15378.

AYES: Commissioners Cottrell, Collins, Carey & Clow
NOES: Chairman Kerns

This item will be scheduled for a City Council agenda.

4. OLD BUSINESS-none

5. NEW BUSINESS

5.1 Planning Commissioners' Tip of the Month-informational purposes only.

5.2 Selection of date (May 26 or June 23) for Joint Pathway Committee and Planning Commission Meeting. This item was introduced by Chairman Kerns at the request of Chris Vargas, Pathway Chairman. Discussion ensued indicating the Pathway Committee should first go through the process of public meetings for recommendations then presenting those recommendations to the Planning Commission for review at a regular Planning Commission meeting. This is the preferred process. It was decided to defer this until they receive clarification from the Committee.

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for March 17th - Commissioner Carey, reported on the following: presentation on the community process for reconciliation; appointment to the Open Space Committee; appointment to the Environmental Initiatives Committee; discussion of annexation of the West Loyola neighborhood; approval of the La Cresta Sewer main extension; Lands of JFLP approval; and the Lands of Alon approval.

6.2 Planning Commission Representative for April 7th - Commissioner Kerns, reported on the following: new Town Hall update and dedication; conceptual principles of the sewer agreement between the Town of Los Altos Hills and the City of Los Altos; authorization for the design survey of segment 1 of the Moody Road/El Monte Road Corridor Transportation master plan; Town Picnic; and discussion of Wildlife corridors and conservation easements.

6.3 Planning Commission Representative for April 21st - Commissioner Collins

6.4 Planning Commission Representative for May 5th - Commissioner Clow

7. APPROVAL OF MINUTES

7.1 Approval of March 10, 2005 minutes

PASSED BY CONSENSUS: Motion by Commissioner Clow seconded by Commissioner Cottrell and passed by consensus approving the March 10, 2005 as amended by Commissioner Clow.

8. REPORT FROM FAST TRACK MEETING-MARCH 15 & APRIL 12, 2005

8.1 LANDS OF ANDREWS, 26030 New Bridge Drive (236-04-ZP-SD); A request for a Site Development Permit for a new 7,510 square foot residence with a 1,871 square foot basement (maximum vertical height 21' 11") and a 3,074 square foot swimming pool (staff-Debbie Pedro). Approved with conditions.

8.2 LANDS OF DYRDAHL, 27309 Julietta Lane (216-04-ZP-SD-GD); A request for a Site Development Permit for a 5,314 square-foot new residence (maximum height 26 ft. 10 in.) and a 477 square foot second unit (maximum height 15 feet) (staff-Leslie Hopper). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING- MARCH 15, 22 & 29, APRIL 5, 2005

9.1 LANDS OF HUANG, 12500 Barley Hill Road (245-04-ZP-SD); A request for a Site Development Permit for landscape screening and hardscape improvements (staff-Brian Froelich). Approved with conditions.

- 9.2 LANDS OF FLAKE, 12445 Hilltop Drive (1-05-ZP-SD); A request for a Site Development Permit for landscape screening and hardscape improvements (staff-Brian Froelich). Approved with conditions.
- 9.3 LANDS OF CHAN, 11635 Dawson Drive 99-05-ZP-SD); A request for a Site Development Permit for landscape screening and hardscape improvements (staff-Brian Froelich). Approved with conditions.
- 9.4 LANDS OF DOWIE, 24221 Dawnridge Drive (240-04-ZP-SD-VAR); A request for a Site Development Permit to convert an existing 1,136 square foot barn to a secondary dwelling unit and a variance to exceed the maximum floor area of a secondary dwelling unit by 136 sq. ft. (staff-Debbie Pedro). Approved with conditions.
- 9.5 LANDS OF LEE, 13800 Templeton Place (10-05-ZP-SD); CEQA Status: exempt 15301. To consider a request for a Site Development Permit for landscape screening of the new residence, hardscape improvements and new fence (staff-Brian Froelich). Approved with conditions.
- 9.6 LANDS OF GARRETT, 27161 Moody Road (46-05-ZP-SD); CEQA Status: exempt 15301. To consider a request for a Site Development Permit for a landscape screening plan of the new residence (staff- Brian Froelich). Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:02 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary